

The Darlington News.

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DARLINGTON, S. C., THURSDAY, APRIL 26, 1894.

WHOLE NUMBER 1,003.

LOCAL LACONICS.

MATTERS IN AND AROUND PROSPEROUS DARLINGTON.

A Column of News, Tersely Told, of Interest to Our Many Readers.

Judge Thos. E. Richardson, of Sumter, is in town.

Mr. F. F. Covington, of Marion, was in Darlington yesterday.

Books are now open in the Judge of Probate's office for receiving town taxes.

Miss Mary Holloman, of Sumter, and Miss Morrill, of Timmonsville, are visiting near Dovesville.

The services in the Baptist Church on Sunday morning next will be especially for the young people.

Dr. John E. Boyd went to Columbia on Tuesday to stand an examination before the State Medical Board.

The Jews are celebrating the feast of Passover. The season began on Friday last and will end to-morrow.

Trial Justice Floyd and Coroner Parnell have removed their offices to the second floor of the Hewitt building.

Mr. Eugene Harrell, who recently went West to live, has returned to his home. During most of his absence he was quite sick, but has now recovered.

The friends of Mr. K. D. Lucas, who was wounded five times in the recent riot, will be glad to know that he has so far recovered from his injuries as to be able to appear on the streets.

Judge Watts has reduced the bond of Dr. B. H. Payne, who killed Henry Green, colored, from \$5,000 to \$3,000. It is now probable that Payne will be released from custody in a short time.

The annual meeting of the stockholders of the People's Bank will be held on Monday and the stockholders of the Darlington Manufacturing Company will hold their annual meeting on Thursday.

Dispenser H. A. Josey requests us to say that Mr. J. W. Reynolds is not on his bond. The information, upon which we stated in our last issue that Mr. Reynolds is one of his bondsmen, is evidently incorrect.

Chick's Merry Makers are holding the boards at the opera house this week. The company is certainly giving good performances and the cheap prices charged make the entertainments within the reach of everybody.

The trial of the suit of the bondholders of the C. S. & N. Railroad against the town of Darlington, which was set for Monday next, in the United States Court at Charleston, has been postponed until the June term of that Court.

The Darlington Guards have received an invitation to attend the national encampment to be held in Spartanburg from July 2 to 12. They will probably accept and enter the competitive drill which will be one of the chief attractions of the occasion.

The Straightouts have defeated the Athletics in two games of baseball within the past few days, on Friday by a score of 23 to 15 and on Tuesday by 21 to 14. On Saturday afternoon the Athletics will play a game with the Factory club on the latter's grounds.

Mr. S. B. Gandy has been appointed by the Governor a member of the Board of County Commissioners in place of his brother, Mr. A. A. Gandy, who resigned to accept the postmastership. Mr. W. B. Hoole is acting as clerk until the office can be filled by election at the next meeting.

Three more persons were lodged in jail on Monday on the charge of murdering Ervin Freeman, near Society Hill. They are James Atkinson, white, James DeLane, colored, Constancil Davis, colored. The last named is a daughter of Sam Davis, who was first arrested for the murder and is now in jail. Atkinson will be taken to Cash's to-morrow, where his attorney, Mr. Stephenson, of Cheraw, will make application before Judge Watts for his release upon bail.

THE MILITARY FINDING.

A Member Attacks It Although his Signature is Attached to It.

At a very late day a member of the military court of inquiry upon the Darlington killing tries to deny the genuineness of the finding. It looks very much as if political pressure had its effect upon him. Here is a letter from him on the subject:

SALLY, S. C., April 18, 1894.
B. R. Tillman, Governor, Columbia, S. C. Dear Sir: Having sat on the jury in Darlington in the case of inquiry concerning the death of Frank E. Norment and others, I wish to inform you that I did not understand the verdict as reported by the foreman, Mr. J. A. Mooney. I understood him to want to tell you that those men came to their deaths at the hands of McLendon and Cain, but not whether it was in self-defense or willful or felonious. There was not anything said about that. If I had understood it the way he has reported it I would not have signed it, for my opinion is it was self-defense. I remember he said that there were few words he had left off, and he went to writing again. He said that he wanted to fix it up right. I don't know what he wrote. I remember he said when we went in the jury room that what we did would have no weight at all in Court, but that if we were to give a verdict on a jury before, and I did not know what I was there to do. I had no instructions in the Court room nor anywhere else. Yours,
J. C. COOPER.

P. S.—I am a backwoods farmer and know nothing about jury rooms or law, for we are trying to obey the laws of our country. I am a Tillmanite to the core, but I want every man to have justice.

The following, in regard to what Capt. Mooney says in answer to Mr. Cooper, is taken from the *News and Courier*:

GREENVILLE, April 23.—Capt. J. A. Mooney, chairman of the military court of inquiry which sat in connection with the coroner's jury at Darlington and made a report accusing the State constables with murder, will publish a statement to-morrow in the *Greenville News* in reply to a letter of J. C. Cooper, of Fort Motte. Cooper was a member of the court. In his letter published Sunday he insinuates that he did not understand what he was doing when he signed the report and that he was misled or overpersuaded by Capt. Mooney to sign the document. Capt. Mooney will show that the court was appointed by the regular military channels, the non-commissioned officers and privates being chosen by the captains of their respective companies without any pre-arrangement. The names of the members of the court were telegraphed immediately to Governor Tillman, and were presumably acceptable to him, as he made no objection. Instructions were sent to the court by Gen. Richbourg and read and explained in the presence of all and specifically authorized each member to file, if he wished, a separate report giving his views of the evidence. Capt. Mooney has a fine style of water press copy of the report, showing that nothing was added to or taken from it after it was signed. He states that it was thoroughly discussed by the members of the court before being written and after it was written was read over to them twice at least, and repetitions errors in names, &c., corrected with assistance of Capt. Henry of the Gordon Light Dragoons and other members. Capt. Mooney was made chairman of the court, from the fact that he held the senior commission.

New Home and improved No. 9 machines guaranteed for 5 years at half price at Blackwell Bros.

THE CLEVELAND HOTEL.

The Popular Establishment to be Reopened Next Week.

The Cleveland Hotel, which has been closed since the return of Major W. A. Evans, the former proprietor, to his home in Chesterfield about three weeks ago, will be reopened, Col. Ben Rogers, of Bennettsville, having leased the establishment. Col. Rogers is an ex-Sheriff of Marlboro county and is a very popular man all over the Pee Dee section. The hotel, of which he will take charge, has always been liberally patronized and he will doubtless do well in his new business. He will open the Cleveland for the reception of guests on the first of next week, and the people of Darlington will give Col. Rogers a hearty welcome to their midst.

SHOT IN THE HEAD.

A Bullet Strikes a Colored Boy's Head, Doing Little Damage.

Alfred Henderson, a colored boy about nineteen years old, was shot in the head at Jack Smith's premises at Loafers' Bridge on Monday night. The shooting was accidental. A friend of the boy was fooling with a pistol, when it was accidentally discharged. Although Henderson received the ball in his head, he is not much hurt, but was walking about town the next day. The ball entered the forehead, but when it struck the skull did not penetrate it, but ranged upward, causing only a flesh wound.

GETTING TO WORK.

THE PROHIBITIONISTS PREPARING FOR THE CAMPAIGN.

Rev. G. T. Gresham, the County Chairman, Issues a Call for a Convention.

The first move of the State Prohibitionists towards prosecuting their campaign this year was made, as has been stated, several weeks ago when the State Executive Committee issued a call for a State Convention to meet in Columbia on June 7 to nominate, if deemed advisable, a full Prohibition State ticket.

Now, the Prohibitionists of Darlington county are beginning to get to work. Rev. G. T. Gresham, county chairman, has issued a call for a county convention to be held in the Court House on June 4 for the purpose of electing delegates to the State Convention.

The following is the text of the call:

ATTENTION PROHIBITIONISTS!

Dear Friends:—It is time we were preparing for the coming conflict. Already representative Prohibitionists have met in Columbia and issued a call for a State Prohibition Convention.

All friends of prohibition in Darlington county are requested to meet in the Court House, at Darlington, S. C., at 12 M. on Monday, June 4, to elect delegates to the State Prohibition Convention, which will be held in Columbia on Thursday, June 7, "to take into consideration the best means to remove the liquor traffic from our State, and, if deemed advisable, to nominate a full State ticket to be placed before the Democracy of the State for election."

We recall with special pleasure the earnest and faithful co-operation of the friends of Prohibition with the County Chairman in the last campaign and we crave the same earnest and faithful co-operation in the campaign now opening.

We should not be true to our feelings if we failed to give expression to our high appreciation of the gentlemanly courtesy with which we were invariably treated by those who differed with us as to prohibition and we bespeak for ourselves the same kindly consideration from them during the present campaign.

It shall be our aim in the future, as it has been in the past, to push the prohibition cause with firmness and moderation, to stir up our friends to action, while we give our opponents no just cause for offence. We propose to fight our battle within the Democratic lines and in doing so we do not propose to know any man politically. If the State Convention sees fit to put a State ticket in the field, it will be subject to the primary election. If we suffer defeat at the primary, we shall accept the result in good faith.

Friends, let me hear from you. Write me what you think of the move; offer any suggestions you may have to make as to work in hand; go to work in your respective sections for prohibition; work up the sentiment and we shall score a decisive victory in the next election.

Yours for Prohibition,
G. T. GRESHAM,
County Chairman.
Una, S. C., 20 Apr '94.

Straw hats, Reynolds shoes, summer suits at a bargain. Blackwell Bros.

THE NEWS IN DARLINGTON.

How the Decision was Received at the Seat of the Late War.

Nowhere in the State was the "knockout" of the dispensary received with more delight than in Darlington. The news of the decision reached here Thursday morning and immediately it became the sole topic of conversation upon the streets. As soon as night came a jollification was held on the Public Square. Fireworks were sent off, the factory band played lively tunes and the crowd gave vent to their enthusiasm by cheer after cheer. The jubilee was kept up until a late hour. Many of the prominent citizens were serenaded and the local dispensary was honored with "In the Sweet Bye and Bye" from the band.

THE FLORAL FAIR.

The Entertainment Postponed Until the Latter Part of May.

The annual floral fair of the Darlington Horticultural Society which was to have been given this week, has been postponed until May 24 and 25, on account of the lateness of the roses this season. The ladies are making active preparations to insure the success of the entertainment and have already decided upon a number of attractions, not the least among which will be performances on the stage each night.

The following committees have been appointed: On Flowers, Mrs. C. S. McCullough, Mrs. E. T. West, Mrs. H. E. P. Sanders, Mrs. D. S. McCullough, Miss Nina Coggeshall, Miss Annie Williamson; on Refreshments, Mrs. H. T. Thompson, Mrs. Baccot Law, Mrs. W. B. McGirt, Mrs. A. C. McFall; on Children's Amusements, Mrs. A. T. Baird, Mrs. E. E. Nigels, Miss Mamie Coggeshall, Miss Bessie Lide.

Do you want a sewing machine on easy terms? You can buy now payable next fall. Blackwell Bros.

A SUNDAY MAIL.

A Proposition to Secure a Star Route from Florence.

Some of the citizens are discussing the possibility of getting a star route mail from Florence to Darlington and return on Sundays. The people of this town are put to serious inconvenience by the fact that no mail is received here from Saturday night to Monday morning on account of the trains not running on Sunday. It is said that the postoffice authorities would give us a Sunday star route mail, if we should petition them to do so, showing them at the same time the great benefits that would accrue from such an improvement in our mail facilities. This is a matter that it would be well for the board of trade to investigate.

Cheap, medium and fine pants overalls and jackets. Blackwell Bros.

TO OUR CORRESPONDENTS.

They are Requested to Send Us Letters as Regularly as Heretofore.

On account of the pressure of matters incident to the recent riot in Darlington we have been compelled to omit from our columns for several issues past many interesting letters from correspondents. We trust that our readers and those who kindly furnish us the news from their respective sections will forgive us for what could not be help. Now that we have more space at our command we trust that our correspondents will continue to write regularly and thus contribute towards the maintenance of one of the most interesting departments of the paper.

Hard time prices on Domestic sewing machines; \$45 the former price, \$25 the present price, \$20 saved on each machine. McCaill & Burch.

Doctors in Council.

The annual meeting of the State Medical Association is now in session at Rock Hill. The delegates from the Pee Dee Association are, Drs. J. C. Willcox, W. J. Garner, of this place, J. M. Josey, of Cypress, J. L. Napier, of Blenheim, W. J. David, of Bennettsville. Drs. Willcox and Garner left on Tuesday to attend the meeting and will return the latter part of this week.

For sale at great bargains for cash—a lot of second-hand sewing machines, many of them practically as good as new; apply at this office.

A Former Darlingtonian Honored. It is learned here from a private source that Mr. Charles P. Pressley, who formerly lived in Darlington and is well remembered here, has been appointed Vice Consul for the United States at Grenoble, France. Mr. Pressley has been living abroad for several years. The Consul at Grenoble is Hon. H. Clay Armstrong, Jr., of Alabama.

Winks—What's the matter, old boy. You look as if you didn't get sleep enough. Got a new baby?

Jinks—No. Got a daughter old enough to have callers.—*N. Y. Weekly.*

THE "KNOCK-OUT."

MORE ABOUT THE IMPORTANT DISPENSARY DECISION.

All the Dispensaries Closed and the Governor Says We Shall Have Free Liquor.

We were able to make but a short notice in our last issue of the all-important dispensary decision of the Supreme Court, as the news reached Darlington just as we were about going to press. This reminds us that THE NEWS was probably the first paper in South Carolina to announce that the Supreme Court had decided the law unconstitutional.

Just as everybody supposed would be the case, Justices McIver and McGowan concurred in deciding the dispensary unconstitutional and Justice Pope dissented. The opinions are very lengthy, hence we cannot give them in full. We have, however, selected from the *Columbia Journal*

A SYNOPSIS OF THE OPINIONS and here reproduce it:

Judge McIver's decision on the subject is very able, clear and logical and completely knocks out the dispensary law. He says that the Attorney General during the hearing had suggested to the court that the act of 1893 superseded the act of 1892 but that no motion had been made by the State's attorney along that line and the court would consider, for the sake of argument, the two acts identical.

Proceeding in the decision Judge McIver says that ordinarily the presumption is in favor of any act passed by the Legislature being constitutional and reviews at some length the nature, scope and object of the law.

He declares that it violates two articles of the Constitution namely the first and the fourteenth. The first article declares all men free and equal with right of enjoying liberty and property and the second guarantees every man against being deprived of his right to engage in any lawful business. These rights, the court observes are derived from the creator rather than from the government.

The traffic in liquor itself is not unlawful and the law in so far as it forbids a citizen from engaging in it when the State is allowed to conduct the same business is null and void.

The court next considers the question of the alleged police regulation of the traffic under the dispensary law but concludes that it has no such idea. The whole scheme the court says is one to increase the revenue of the State. The State has no right to engage in business in competition with her citizens. Such an idea is at variance with all ideas of civil government.

The power given the State to engage in the liquor business by the last Legislature is outside and beyond the power conferred upon the General Assembly by the people.

The court answers also the argument raised that because the State engaged in business of supporting colleges that she could also engage in the business of selling liquor. This is answered by showing from authorities that education is a legitimate function of government while selling liquor is not.

The above are some of the leading ideas advanced by the majority of the court and, as will be seen, they thoroughly cover the grounds and effectually and finally knock out a law conceived and operated as a political expedient.

Justice Pope's dissenting opinion covers nearly 100 pages of foils cap. He argues chiefly that the whole law is constitutional from the fact that the regulation of the liquor traffic is a legitimate function of government and he holds that the dispensary law is such a regulation. He does not think the prime object of it is the raising of a revenue.

THE EFFECT OF THE DECISION.

The decision created considerable sensation throughout the State and everyone naturally asked, what will the administration do about it? The public did not have to wait long for the first step on the part of the

State. On the day following the decision the State board of control met and, in view of the action of the court, ordered the State and all of the county dispensaries closed immediately. This was done and since then not a drop of dispensary liquor has been gotten anywhere in the State. All the constables were paid up and discharged.

THE LOCAL DISPENSARY.

The Darlington dispensary was reopened for the first time since the riot on Thursday, the day the decision was announced. It therefore had only a short time to remain open and the new dispenser, Mr. H. A. Josey, had but a brief term of office-holding. On the very next day the establishment was closed along with all the other dispensaries in the State.

The following is the order—it came by telegraph—upon which Mr. Josey closed the dispensary:

COLUMBIA, April 21, 1894.
H. A. Josey, Darlington: Close up the dispensary immediately until further orders.
D. H. FRAXLER, Commissioner.

A similar order was sent to all the other State bars.

PROHIBITION OR FREE LIQUOR?

What will Governor Tillman do next and does the decision give us prohibition or not, are two questions that were on everybody's lips. For several days the Governor refused to have anything to say in answer to these questions, but on Monday he finally granted an interview to the newspapers. From what he says one would judge, as to the first question mentioned above, that he will submit gracefully to the decision. As to the second question, have we prohibition, the Governor gives as his opinion that we have not, but on the contrary says we shall all have free whiskey. But here is

THE GOVERNOR'S INTERVIEW

as taken from the *State*:

The following interview was obtained from the Governor yesterday by a representative of the *State*, and after being written out was submitted to him and approved by him; it is therefore "official."

The Governor was asked how long before the uncertainty about the decision would be removed and the mystery solved. He said: "I have already solved my part of it. It is now for the judges to let the people know what they have decided. I don't know whether the decision means prohibition or free liquor, or what it means. Who can tell what they mean? I don't see what object they could have had in leaving the matter in doubt at all."

"Well, Governor, what about that extra session?" "Who has heard anything about an extra session? All I've heard of it is some talk in the newspapers, and of course the papers are always in the wrong."

"It is claimed by some that the decision leaves the law a prohibition law and that the police regulation feature of the law stands. How about that?"

Governor Tillman replied: "All I have to say is that the Legislature gave me authority to enforce the dispensary law. When the court declares the dispensary law dead why, of course, my authority to enforce it dies with it. I don't see what right I have to attempt to maintain the constabulary to enforce a prohibition law if it is such."

"Governor, whose business is it to find out what the court means?" "I don't know. It's not mine." Then laughingly the Governor said, "What was that Byron said about Wordsworth? Oh yes, 'I wish he'd explain his explanation.'"

The Governor was asked what he intended to do about having the stocks of the various county dispensaries shipped back here and stored; if the rents and insurance would not amount to more than the expense of doing this?

He said he had no authority whatever to go into the expense of moving the stock and things would just go on just as they are.

Continuing he said: "You see I am paralyzed. I can't do a thing. It seems to me that the court in so many words expressly declared that 'the dispensary law is not a prohibitory law.' The court denies emphatically that the municipalities have the

OUT ON BAIL.

McLendon and Cain Released from Custody.

The Men who Killed our Citizens Give Bond to Appear for Trial at the June Court.

Constables J. D. McLendon, is who charged with the murder of Frank E. Norment, and O. C. Cain, charged with the murder of L. L. Redmond, have been released on bond. Last week their attorneys made application for their release before Judge Watts in Columbia, who fixed their bonds at \$4,000 apiece.

McLendon is from Orangeburg and he secured his bondsmen from that county, W. S. Burton and J. W. Macks, the former justifying for \$4,000 and the latter for \$2,000. Cain also obtained his bondsmen from his home, Barnwell county. They are C. H. Mathis and J. D. Whittle, each justifying for \$2,000.

Both of the bonds have been received in Darlington and are now lodged in the office of the Clerk of the Court. Immediately upon their receipt Sheriff Scarborough telegraphed instructions to Columbia, where the men have been held, that they be released from custody and it was so done. The bonds read that McLendon and Cain shall appear at the June term of Court for Darlington county to answer to the charge of murder.

No statement has appeared in the daily papers within the last few days in regard to the condition of McLendon's wound, but from a citizen of Darlington, who has seen him, we learn that he is not in the precarious state that the reports of last week would lead the public to believe.

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Mar 29—

(Continued on Page 4.)